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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/598,007	08/15/2006	Klemens Andrup	20794/0204690-US0	9050
7278	7590	01/05/2010		
DARBY & DARBY P.C. P.O. BOX 770 Church Street Station New York, NY 10008-0770			EXAMINER REDDING, DAVID A	
			ART UNIT 3723	PAPER NUMBER
			MAIL DATE 01/05/2010	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/598,007	Applicant(s) ANDRUP ET AL.	
	Examiner /David A. Redding/	Art Unit 3723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-27 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 15,21-23 and 26 is/are rejected.
- 7) ☒ Claim(s) 16-20,24 and 25 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 April 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>11/8/06; 11/27/06</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over USP 3,989,311 (Debrey) in view of EP 0 845 237 (Imamura).

Debrey discloses a particle monitoring apparatus 206 comprising a first connecting portion 201, a second connection portion 203, a dust sensor 213 which is insertable under housing 221 and through an opening 212 on an upper portion of the connection part 206. The sensor can be piezoelectric sensor connected to a visual (light) meter or digital display (col.3, lines 47-49; lines 62-67). Debrey fails to disclose the structural arrangement of the visual display.

Imamura discloses a particle sensor (figure 5) for a vacuum cleaner which includes a light 202 display which is connected to a particle sensor for displaying presence or absence of dust particles within the air flow. The light 202 is contained within a housing, separate from the sensor 80 compartment, having a transparent window 78 to visualize the light meter. Accordingly, it would have been obvious to one skilled in the art to include a light meter within the housing 221 of Debrey which is contained in a receiving chamber separate from the sensor 213, as taught in Imamura. The position of sensor 213 is considered to be near an upper wall 201, 203 of connection part.

Claims 15,21,22,23,26 are rejected under 35 U.S.C. 103(a) as being unpatentable over EP 0845237 (Imamura) in view of USP 3,989,311 (Debrey).

Imamura (Figure 5) discloses a dust sensing apparatus of a vacuum cleaner (figure 1), one end connected to the suction wand 63 and the other connected to suction hose 62. The apparatus includes optical sensor 80 connected to led 2 within a receiving chamber formed by transparent window 78 which is separate from the upper portion of the apparatus. The sensor 80 does not extend into the dust air-stream as claimed.

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Debrey discloses a particle monitoring apparatus 206 comprising a first connecting portion 201, a second connection portion 203, a dust sensor 213 which is insertable under housing 221 and through an opening 212 on an upper portion of the connection part 206. The sensor can be piezoelectric sensor connected to a visual (light) meter or digital display (col.3, lines 47-49; lines 62-67). Debrey fails to disclose the structural arrangement of the visual display. Accordingly, it would have been obvious to one skilled in the art to include the position of the sensor 213 with respect to the dust air-stream 214 of Debrey into the vacuum cleaner of Imamura in view of the apparatus 200 (Debrey) use for monitoring dust in an air stream.

The limitations of claims 22 and 23 are considered to be obvious optimizations of the signal display in Imamura.

Providing means for aligning and locking (parking aid) two conduits together are known and would have been obvious to include on the lower portions of ends of the dust sensing apparatus in Imamura.

Allowable Subject Matter

Claims 16-20,24,25, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to /David A. Redding/ whose telephone number is 571-272-1276. The examiner can normally be reached on Mon.-Fri. 6:00 - 3:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Hail can be reached on 571-272-4485. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/David A Redding/
Primary Examiner
Art Unit 3723

DAR